

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:02CR3216
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
DAVID LEIGH MONTOYA,)	
)	
Defendant.)	

This matter comes on to consider the government's request for hearing on Rule 35(b) motion (filing 45). Having considered the matter,

IT IS ORDERED that:

- (1) The government's request for hearing (filing 45) is granted;
- (2) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 43) has been set before the undersigned United States district judge at 1:30 p.m., on Friday, November 18, 2005, in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska;
- (3) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion;
- (4) The Marshal is directed not to return the defendant to the district; and
- (5) The defendant is held to have waived his right to be present.

November 16, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge